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UNITED STATES PATENT AND TRADEMARK OFFICE

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HEWLETT PACKARD COMPANY
INTELLECTUAL PROPERTY ADMINISTRATION
3404 E HARMONY ROAD
P.O. BOX 272400
FORT COLLINS, CO 80528-9599

EXAMINER
PHAM, HUNG Q

ART UNIT	PAPER NUMBER
2162	

DATE MAILED: 01/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _14 October 2004_.

2a)☒ This action is **FINAL.**   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-5,7-14,16-18 and 20-22_ is/are pending in the application.

   4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-5,7-14,16-18 and 20-22_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

   a)☐ All   b)☐ Some * c)☐ None of:

   1.☐ Certified copies of the priority documents have been received.

   2.☐ Certified copies of the priority documents have been received in Application No. _____.

   3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
   application from the International Bureau (PCT Rule 17.2(a)).

   * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .
5)☐ Notice of Informal Patent Application (PTO-152)
6)☐ Other: _____.

DETAILED ACTION

Response to Arguments

Applicant's arguments filed 10/14/2004 have been fully considered but they are

not persuasive.

- As argued by applicant at page 6 with respect to claims 1:

*Amended claim 1 recites, in part, "using by said reporting application said query for
querying said system, as specified by said request, for existence of said condition of said
attribute." Applicant asserts that Wookey does not teach, at least, the above-recited feature of
claim 1. Instead of querying, the monitoring system of Wookey passively receives test results
from the monitored computer. Wookey teaches at Col. 4, lines 6-9, "The diagnostic tests 116,
118, 120, 122, and 124 are run on the computer system 102 under the control of monitor
control software 126, 128, 130, 132, and 134. The results of those diagnostic tests are
automatically provided at periodic intervals to the computer system 100 which monitors
computer system 102." In other words, results of the tests are provided automatically and at
periodic intervals to the monitoring computer. Thus, according to the teaching of Wookey,
the monitoring system does not query the monitored system. Instead, the monitoring system
passively receives the test data from the monitored system...*

*To the extent that the test is performed to generated the received results, such test is not
performed as specified by a received request, as is the query of claim 1...*

Examiner respectfully traverses because of the following reasons:

As defined in Microsoft Press Computer Dictionary 3rd edition,

Query
   *1. The process of extracting data from a database and
presenting it for use.*
   *2. A specific set of instructions for extracting particular
data repetitively.*

Wookey teaches that the diagnostic tests from among tests as shown in Table 1

or 2 are run periodically on the computer system 102 under the control of monitor

control software (Col. 3, Lines 3-6). FIG. 8 is an exemplary output of one the

diagnostic tests (FIG. 8, Col. 7, Lines 66-67). Wookey further teaches that an

alert is raised if a predefined condition of a particular attribute is true. For

example, an alert to determine a particular partition has exceeded a

predetermined percentage used (Col. 12, Lines 48-55). As seen, each diagnostic

test as a request is specified by a particular test of Table 1 or 2. System

attributes as in FIG. 8 are extracted repetitively from the monitored system by a

specified test or specific set of instruction of Table 1 or 2 under control of monitor

control software in order to determine the existence of the condition of an

attribute to raise an alert. Thus, according to the teaching of Wookey, the

monitoring system queries the monitored system by using the monitor control

software. And in other words, the Wookey technique indicates the claimed *using

by said reporting application said query for querying said system, as specified by said

request, for existence of said condition of said attribute.*

- As argued by applicant at page 7 with respect to claims 2, 3, 5 and 8-12:

  *Dependent claims 2, 3, 5, and 8-12 each depend either directly or indirectly from
  independent claim 1 and, thus, inherit all of the limitations of independent claim 1. Thus,
  Wookey does not teach all claim limitations of claims 2, 3, 5, and 8-12. It is respectfully
  submitted that dependent claims 2, 3, 5, and 8-12 are allowable at least because of their
  dependence from claim 1 for the reasons discussed above. It is respectfully requested that the
  rejection of claims 1-3, 5, and 8-12 be withdrawn and those claims passed to issue.*

Examiner respectfully traverses because dependent claims 2, 3, 5 and 8-12 each

depends either directly or indirectly from independent claim 1. Thus, claims 2, 3,

5 and 8-12 are unpatentable over Wookey at least for the reasons as discussed

above.

- As argued by applicant at page 7 with respect to claim 4:

Amended claim 4 recites, in part, "using said query for querying said system, as specified by

said request, for existence of said condition of said attribute." Wookey does not teach, at

least, the above-recited feature of claim 4. As explained above with regard to claim 1, instead

of querying, the monitoring system of Wookey passively receives test results from the

monitored computer. Wookey teaches at Col. 4, lines 6-9, that the results of the tests are

provided, automatically and at periodic intervals, to the monitoring computer. Thus,

according to the teaching of Wookey, the monitoring system does not query the monitored

system. Instead, the monitoring system passively receives the test data from the monitored

system.

To the extent that the test is performed to generated the received results, such test is not

performed as specified by a received request, as is the query of claim 4...

Examiner respectfully traverses because of the following reasons:

As defined in Microsoft Press Computer Dictionary 3rd edition,

```
Query
    1. The process of extracting data from a database and
presenting it for use.
    2. A specific set of instructions for extracting particular
data repetitively.
```

Wookey teaches that the diagnostic tests from among tests as shown in Table 1

or 2 are run periodically on the computer system 102 under the control of monitor

control software (Col. 3, Lines 3-6). FIG. 8 is an exemplary output of one the

diagnostic tests (FIG. 8, Col. 7, Lines 66-67). Wookey further teaches that an

alert is raised if a predefined condition of a particular attribute is true. For

example, an alert to determine a particular partition has exceeded a

predetermined percentage used (Col. 12, Lines 48-55). As seen, each diagnostic

test as a request is specified by a particular test of Table 1 or 2. System

attributes as in FIG. 8 are extracted repetitively from the monitored system by a

specified test or specific set of instruction of Table 1 or 2 in order to determine

the existence of the condition of an attribute to raise an alert. Thus, according to

the teaching of Wookey, the monitoring system queries the monitored system by

using the monitor control software. And in other words, the Wookey technique

indicates the claimed *using said query for querying said system, as specified by said*

request, for existence of said condition of said attribute.

- As argued by applicant at page 8 with respect to claim 13:

  Claim 13 recites, in part, "computer executable software code for querying said system as
  specified by said request." Wookey does not teach or suggest, at least, the above recited
  feature of claim 13. On page 11, the Office Action admits that Wookey does not explicitly
  teach the feature. In an attempt to cure this deficiency, the Office Action points out that alerts
  include tokens and that each token contains a test name; therefore each alert contains a test
  name. The Office Action then states that, because each alert contains a test name, querying
  the system must be specified in the alert. Even if the Office Action's assertion that alerts

attribute to raise an alert. Thus, according to the teaching of Wookey, the

monitoring system queries the monitored system by using the monitor control

software. And in other words, the Wookey technique indicates the claimed

computer executable software code for querying said system as specified by said

request.

- As argued by applicant at page 9 with respect to claims 16, 17 and 21:

    Dependent claims 16, 17, and 21 each depend from independent claim 13 and, thus, inherit
    all of the limitations of independent claim 13. Thus, Wookey, as modified, does not teach or
    suggest all claim limitations of claims 16, 17, and 21. It is respectfully submitted that
    dependent claims 16, 17, and 21 are allowable at least because of their dependence from
    claim 13 for the reasons discussed above. It is respectfully requested that the rejection of
    claims 13, 16, 17, and 21 be withdrawn and those claims passed to issue.

Examiner respectfully traverses because dependent claims 16, 17 and 21, each

depends either directly or indirectly from independent claim 13. Thus, claims 16,

17 and 21 are unpatentable over Wookey at least for the reasons as discussed

above.

- As argued by applicant at pages 9 and 10 with respect to claim 18:

    Claim 18 recites, in part, "computer executable software code for querying said system as
    specified by said request." Wookey, as modified, does not teach or suggest the above-recited
    feature of claim 18. As explained above with regard to claim 13, even if the Office Action's
    assertions are correct, Wookey does not teach or suggest the feature. Rather, instead of
    querying, the monitoring system passively receives test results. Wookey teaches at Col. 4,
    lines 6-9, that the results of the tests are provided, automatically and at periodic intervals, to

contain test names is correct, Wookey does not teach or suggest the above-recited feature.

Rather, instead of querying, the monitoring system of Wookey passively receives test results...

Thus, according to the teaching of Wookey, the monitoring system does not query the

monitored system. Instead, the monitoring system passively receives the test data from the

monitored system.

To the extent that the test is performed to generate the received results, such test is not

performed as specified by a received request, as is the query of claim 13.

Examiner respectfully traverses because of the following reasons:

As defined in Microsoft Press Computer Dictionary 3rd edition,

```
Query
    1. The process of extracting data from a database and
presenting it for use.
    2. A specific set of instructions for extracting particular
data repetitively.
```

Wookey teaches that the diagnostic tests from among tests as shown in Table 1

or 2 are run periodically on the computer system 102 under the control of monitor

control software (Col. 3, Lines 3-6). FIG. 8 is an exemplary output of one the

diagnostic tests (FIG. 8, Col. 7, Lines 66-67). Wookey further teaches that an

alert is raised if a predefined condition of a particular attribute is true. For

example, an alert to determine a particular partition has exceeded a

predetermined percentage used (Col. 12, Lines 48-55). As seen, each diagnostic

test as a request is specified by a particular test of Table 1 or 2. System

attributes as in FIG. 8 are extracted repetitively from the monitored system by a

specified test or specific set of instruction of Table 1 or 2 under control of monitor

control software in order to determine the existence of the condition of an

the monitoring computer. Thus, according to the teaching of Wookey, the monitoring system

does not query the monitored system. Instead, the monitoring system passively receives the

test data from the monitored system.

To the extent that the test is perform to generate the received results, such test is not

performed as specified by a request, as is the query of claim 18

Examiner respectfully traverses because of the following reasons:

As defined in Microsoft Press Computer Dictionary 3rd edition,

```
Query
     1. The process of extracting data from a database and
presenting it for use.
     2. A specific set of instructions for extracting particular
data repetitively.
```

Wookey teaches that the diagnostic tests from among tests as shown in Table 1

or 2 are run periodically on the computer system 102 under the control of monitor

control software (Col. 3, Lines 3-6). FIG. 8 is an exemplary output of one the

diagnostic tests (FIG. 8, Col. 7, Lines 66-67). Wookey further teaches that an

alert is raised if a predefined condition of a particular attribute is true. For

example, an alert to determine a particular partition has exceeded a

predetermined percentage used (Col. 12, Lines 48-55). As seen, each diagnostic

test as a request is specified by a particular test of Table 1 or 2. System

attributes as in FIG. 8 are extracted repetitively from the monitored system by a

specified test or specific set of instruction of Table 1 or 2 under control of monitor

control software in order to determine the existence of the condition of an

attribute to raise an alert. Thus, according to the teaching of Wookey, the

monitoring system queries the monitored system by using the monitor control

software. And in other words, the Wookey technique indicates the claimed

computer executable software code for querying said system as specified by said

request.

- As argued by applicant with respect to claims 20 and 22 at page 10:

   Dependent claims 20 and 22 each depend from independent claim 18 and, thus, inherit all of the limitations of independent claim 18. Thus, Wookey does not teach or suggest all claim limitations of claims 20 and 22. It is respectfully submitted that dependent claims 20 and 22 are allowable at least because of their dependence from claim 18 for the reasons discussed above. It is respectfully requested that the rejection of claims 13, 20, and 22 be withdrawn and those claims passed to issue.

Examiner respectfully traverses because dependent claims 20 and 22, each

depends either directly or indirectly from independent claim 18. Thus, claims 20

and 22 are unpatentable over Wookey at least for the reasons as discussed

above.

- As argued by applicant at page 10 with respect to claim 7:

   Claim 7 recites, in part, "querying said system as specified by said request." The combination of Wookey and Sybase does not teach, at least, the above-recited feature of claim 7. As explained above with regard to claim 13, even if the Office Action's assertions are correct, Wookey, as modified, does not teach the feature. Rather, instead of querying, the monitoring system of Wookey passively receives test results. Wookey teaches at Col. 4, lines 6-9, that the results of the tests are provided, automatically and at periodic intervals, to the monitoring computer. Thus, according to the teaching of Wookey, the monitoring system does not query the monitored system. Instead, the monitoring system passively receives the test data from the monitored system.

> *To the extent that the test is perform to generate the received results, such test is not*
> *performed as specified by a request, as is the query of claim 7...*
> *The Office Action does not rely of Sybase to teach the missing feature, and therefore, the*
> *combination of Wookey and Sybase does not teach or suggest all claim limitations. Thus, it is*
> *respectfully requested that the rejection of claim 7 be withdrawn and that claim allowed.*

Examiner respectfully traverses because of the following reasons:

As defined in Microsoft Press Computer Dictionary 3rd edition,

```
Query
    1. The process of extracting data from a database and
presenting it for use.
    2. A specific set of instructions for extracting particular
data repetitively.
```

Wookey teaches that the diagnostic tests from among tests as shown in Table 1
or 2 are run periodically on the computer system 102 under the control of monitor
control software (Col. 3, Lines 3-6). FIG. 8 is an exemplary output of one the
diagnostic tests (FIG. 8, Col. 7, Lines 66-67). Wookey further teaches that an
alert is raised if a predefined condition of a particular attribute is true. For
example, an alert to determine a particular partition has exceeded a
predetermined percentage used (Col. 12, Lines 48-55). As seen, each diagnostic
test as a request is specified by a particular test of Table 1 or 2. System
attributes as in FIG. 8 are extracted repetitively from the monitored system by a
specified test or specific set of instruction of Table 1 or 2 under control of monitor
control software in order to determine the existence of the condition of an
attribute to raise an alert. Thus, according to the teaching of Wookey, the
monitoring system queries the monitored system by using the monitor control

software. And in other words, the Wookey technique indicates the claimed

querying said system as specified by said request.

• As argued by applicant at page 11 with respect to claim 14:

Dependent claim 14 depends from independent claim 13 and, thus, inherits all of the limitations of independent claim 13. Thus, Wookey, as modified, does not teach or suggest all claim limitations of claim 14. The Office Action does not rely of Sybase to provide the missing feature, and therefore, the combination of Wookey and Sybase does not teach or suggest all claim limitations of claim 14. It is respectfully submitted that dependent claim 14 is allowable at least because of its dependence from claim 13 for the reasons discussed above. It is respectfully requested that the rejection of claim 14 be withdrawn and that claim passed to issue.

Examiner respectfully traverses because dependent claim 14 depends from

independent claim 13. Thus, claim 14 is unpatentable over Wookey at least for

the reasons as discussed above.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of

the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of

the various claims was commonly owned at the time any inventions covered therein

were made absent any evidence to the contrary. Applicant is advised of the obligation

under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was

not commonly owned at the time a later invention was made in order for the examiner to

consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g)

prior art under 35 U.S.C. 103(a).

Claims 1-5, 8-13, 16-18 and 20-22 are rejected under 35 U.S.C. 103(a) as

being unpatentable over Wookey et al. [USP 6,182,249 B1].

Regarding claim 1, Wookey teaches a method of monitoring the state and

generating alerts indicating predefined conditions exist in a computer system (Abstract

and Col. 1, Lines 20-23).

- As illustrated at FIG. 1, the computer system 102 is monitored by

computer system 100. The diagnostic tests from among tests as shown in Table

1 or 2 at Col. 4 and 5 are run periodically on the computer system 102 under the

control of monitor control software (Col. 3, Lines 3-6). FIG. 8 is an exemplary

output of one the diagnostic tests (FIG. 8, Col. 7, Lines 66-67). Wookey further

teaches that an alert is raised if a predefined condition of a particular attribute is

true. For example, an alert to determine a particular partition has exceeded a

predetermined percentage used (Col. 12, Lines 48-55). As seen, monitor control

software as *a reporting application, which includes computer-executable software*

code stored to a computer-readable medium receives a diagnostic test as *request*

specified by a particular test of Table 1 or 2 as *information specifying a query from*

computer system 100 as *client for* extracting repetitively the *system attributes* in

order to determine *a condition of an attribute of a system* to raise an alert. In short,

the Wookey technique performs the claimed *receiving by a reporting application,*

which includes computer-executable software code stored to a computer-readable

medium, a request from a client to notify said client of a condition of an attribute of a

system, wherein said request comprises information specifying a query for system

attribute.

- Referring back to FIG. 1, the results of those diagnostic tests are

automatically provided at periodic intervals to computer system 100 (Col. 4, Lines

6-10), and the raw diagnostic data is stored in storage 109 (Col. 4, Lines 17-18).

As seen, the raw diagnostic data from the monitored system 102 under control of

monitor control software as *reporting application* is provided to storage 109. In

other words, the technique as discussed indicates the step of *receiving by said*

reporting application raw data from said system.

- The raw diagnostic data will be process and analyzed for the presence of

alerts (Col. 11, Lines 45-57). In order to extract information from the diagnostic

data stream, "token types" are utilized. Each token has a label and a value. The

value of the token provides a value extracted from the diagnostic data that gives

value to the element (Col. 7, Lines 10-20). Wookey further teaches that an alert

is raised if a predefined condition of a particular attribute is true. For example, an

alert to determine a particular partition has exceeded a predetermined

percentage used (Col. 12, Lines 48-55). As seen, the technique as discussed

indicates the step of *deriving said data about said system attribute to determine if said*

condition exists, and *upon determining that said condition exist*, an alert is issued for

notifying said client of the existence of said condition.

Wookey does not explicitly teach the step of *using by said reporting application said*

query for querying said system, as specified by said request, for existence of said condition of

said attribute. However, as defined in Microsoft Press Computer Dictionary 3rd edition,

```
Query
     1. The process of extracting data from a database and
presenting it for use.
     2. A specific set of instructions for extracting particular
data repetitively.
```

and as taught by Wookey, the diagnostic tests from among tests as shown in Table 1 or

2 are run periodically on the computer system 102 under the control of monitor control

software (Col. 3, Lines 3-6). FIG. 8 is an exemplary output of one the diagnostic tests

(FIG. 8, Col. 7, Lines 66-67). Wookey further teaches that an alert is raised if a

predefined condition of a particular attribute is true. For example, an alert to determine a

particular partition has exceeded a predetermined percentage used (Col. 12, Lines 48-

55). As seen, each diagnostic test as a request is specified by a particular test of Table

1 or 2. System attributes as in FIG. 8 are extracted repetitively from the monitored

system by a specified test or specific set of instruction of Table 1 or 2 under control of

monitor control software in order to determine the existence of the condition of an

attribute to raise an alert. Thus, according to the teaching of Wookey, the diagnostic test

specified by specific set of instruction queries the monitored system and controlled by monitor control software, and obviously, to determine the existence of the condition of an attribute to raise an alert. In other words, the Wookey technique as discussed indicates the claimed *using by said reporting application said query for querying said system, as specified by said request, for existence of said condition of said attribute.*

Therefore, it would have been obvious for one of ordinary skill in the art at the time the invention was made to use the diagnostic test as query for existence of attribute condition in order to issue an alert indicating predefined condition exist in a computer system.

Regarding claim 2, Wookey teaches all the claimed subject matters as discussed in claim 1, Wookey further discloses the step of *generating derived data based upon the result of said query of said system* (Col. 7, Lines 10-20 and Col. 9, Lines 42-49).

Regarding claims 3, Wookey teaches all the claimed subject matters as discussed in claims 1, Wookey further discloses *condition is a change in said attribute* (Col. 12, Lines 4-13).

Regarding claim 4, Wookey teaches a method of monitoring the state and generating alerts indicating predefined conditions exist in a computer system (Abstract and Col. 1, Lines 20-23).

- As illustrated at FIG. 1, the computer system 102 is monitored by computer system 100. The diagnostic tests from among tests as shown in Table 1 or 2 at Col. 4 and 5 are run periodically on the computer system 102 under the control of monitor control software (Col. 3, Lines 3-6). FIG. 8 is an exemplary output of one the diagnostic tests (FIG. 8, Col. 7, Lines 66-67). Wookey further teaches that an alert is raised if a predefined condition of a particular attribute is true. For example, an alert to determine a particular partition has exceeded a predetermined percentage used (Col. 12, Lines 48-55). As seen, a diagnostic test as *request* specified by a particular test of Table 1 or 2 as *information specifying a query from* computer system 100 as *client for* extracting repetitively the *system attributes, wherein attribute is status of a peripheral device* in order to determine *a condition of an attribute of a system* to raise an alert. In other words, the Wookey technique performs the claimed *receiving a request from a client to notify said client of a condition of an attribute of a system, wherein said request comprises information specifying a query for system attribute, and wherein said attribute is selected from the group consisting of membership of nodes within a cluster, configuration of a cluster, status of a peripheral device, failure of computer hardware, access to local peripherals, addition of shared peripherals, removal of shared peripherals, ownership of a shared peripheral, availability of shared peripherals for addition to a cluster, resilience to faults of a High Availability cluster, performance potential of a cluster, and any combination thereof.*

- The raw diagnostic data will be process and analyzed for the presence of alerts (Col. 11, Lines 45-57). In order to extract information from the diagnostic data stream, "token types" are utilized. Each token has a label and a value. The value of the token provides a value extracted from the diagnostic data that gives value to the element (Col. 7, Lines 10-20). Wookey further teaches that an alert is raised if a predefined condition of a particular attribute is true. For example, an alert to determine a particular partition has exceeded a predetermined percentage used (Col. 12, Lines 48-55). As seen, the technique as discussed indicates the step of *deriving data about said system attribute to determine if said condition exists*, and *upon determining that said condition exist*, an alert is issued for *notifying said client of the existence of said condition*.

Wookey does not explicitly teach the step of *using said query for querying said system, as specified by said request, for existence of said condition of said attribute*. However, as defined in Microsoft Press Computer Dictionary 3rd edition,

> Query
> 1. The process of extracting data from a database and presenting it for use.
> 2. A specific set of instructions for extracting particular data repetitively.

and as taught by Wookey, the diagnostic tests from among tests as shown in Table 1 or 2 are run periodically on the computer system 102 under the control of monitor control software (Col. 3, Lines 3-6). FIG. 8 is an exemplary output of one the diagnostic tests (FIG. 8, Col. 7, Lines 66-67). Wookey further teaches that an alert is raised if a predefined condition of a particular attribute is true. For example, an alert to determine a

particular partition has exceeded a predetermined percentage used (Col. 12, Lines 48-

55). As seen, each diagnostic test as a request is specified by a particular test of Table

1 or 2. System attributes as in FIG. 8 are extracted repetitively from the monitored

system by a specified test or specific set of instruction of Table 1 or 2 under control of

monitor control software in order to determine the existence of the condition of an

attribute to raise an alert. Thus, according to the teaching of Wookey, the diagnostic test

specified by specific set of instruction queries the monitored system, and obviously, to

determine the existence of the condition of an attribute to raise an alert. In other words,

the Wookey technique as discussed indicates the claimed *using said query for querying*

said system, as specified by said request, for existence of said condition of said attribute.

Therefore, it would have been obvious for one of ordinary skill in the art at the

time the invention was made to use the diagnostic test for querying system for existence

of attribute condition in order to issue an alert indicating predefined condition exist in a

computer system.

Regarding claim 5, Wookey teaches all the claim subject matters as discussed in

claim 1, Wookey further discloses *client is selected from the group consisting of a user and*

a client application program (FIG. 2).

Regarding claim 8, Wookey teaches all the claimed subject matters as discussed

in claim 1, Wookey further discloses *information specifying a query for said system*

attribute comprises multiple transactions bracketed together (Col. 15, Lines 24-54).

Regarding claim 9, Wookey teaches all the claimed subject matters as discussed in claim 1, Wookey further discloses *multiple transactions bracketed together, wherein upon determining that such bracketed condition exist, notifying said client of the existence of such bracketed conditions* (Col. 15, Lines 16-54).

Regarding claim 10, Wookey teach all the claimed subject matters as discussed in claim 9, Wookey further discloses *the multiple changes are bracketed together, wherein upon determining that such bracketed changes exist, notifying said client of the existence of such bracketed changes* (Col. 15, Lines 16-54).

Regarding claim 11, Wookey teaches all the claim subject matters as discussed in claim 1, Wookey further discloses *client is a graphical user interface (GUI) that displays information to a human user* (Col. 16, Lines 41-58).

Regarding claim 12, Wookey teaches all the claim subject matters as discussed in claim 11, Wookey further discloses the step of *deriving data to determine if a condition of said one or more attributes exists such that the GUI should redraw the graphics displaying said information about said one or more attributes* (Col. 16, Line 41-Col. 17, Line 18).

Regarding claims 13 and 18, Wookey teaches a method and computer program for monitoring the state and generating alerts indicating predefined conditions exist in a computer system (Abstract and Col. 1, Lines 20-23).

- As illustrated at FIG. 1, the computer system 102 is monitored by computer system 100. The diagnostic tests from among tests as shown in Table 1 or 2 at Col. 4 and 5 are run periodically on the computer system 102 under the control of monitor control software (Col. 3, Lines 3-6). FIG. 8 is an exemplary output of one the diagnostic tests (FIG. 8, Col. 7, Lines 66-67). Wookey further teaches that an alert is raised if a predefined condition of a particular attribute is true. For example, an alert to determine a particular partition has exceeded a predetermined percentage used (Col. 12, Lines 48-55). As seen, a diagnostic test as *request* specified by a particular test of Table 1 or 2 as *information specifying a query from* computer system 100 as *client for* extracting repetitively the *system attributes* in order to determine *a condition of an attribute of a system* to raise an alert. In short, the Wookey technique performs the claimed *computer executable software code for receiving from a client a request to notify said client of a condition of an attribute of a system, wherein said request comprises information specifying a query for system attribute.*

- The raw diagnostic data will be process and analyzed for the presence of alerts (Col. 11, Lines 45-57). In order to extract information from the diagnostic data stream, "token types" are utilized. Each token has a label and a value. The value of the token provides a value extracted from the diagnostic data that gives

value to the element (Col. 7, Lines 10-20). Wookey further teaches that an alert

is raised if a predefined condition of a particular attribute is true. For example, an

alert to determine a particular partition has exceeded a predetermined

percentage used (Col. 12, Lines 48-55). As seen, the technique as discussed

indicates *computer executable software code for deriving data about said system*

attribute, computer executable software code for determining from said derived data if

said condition exists, and *computer executable software code for that, upon*

determining that said condition exist, an alert is issued for *notifying said client of the*

existence of said condition.

Wookey does not explicitly teach *computer executable software code for querying*

said system as specified by said request. However, as defined in Microsoft Press Computer

Dictionary 3rd edition,

> Query
>   1. The process of extracting data from a database and
> presenting it for use.
>   2. A specific set of instructions for extracting particular
> data repetitively.

and as taught by Wookey, the diagnostic tests from among tests as shown in Table 1 or

2 are run periodically on the computer system 102 under the control of monitor control

software (Col. 3, Lines 3-6). FIG. 8 is an exemplary output of one the diagnostic tests

(FIG. 8, Col. 7, Lines 66-67). Wookey further teaches that an alert is raised if a

predefined condition of a particular attribute is true. For example, an alert to determine a

particular partition has exceeded a predetermined percentage used (Col. 12, Lines 48-

55). As seen, each diagnostic test as a request is specified by a particular test of Table

1 or 2. System attributes as in FIG. 8 are extracted repetitively from the monitored

system by a specified test or specific set of instruction of Table 1 or 2 under control of

monitor control software in order to determine the existence of the condition of an

attribute to raise an alert. Thus, according to the teaching of Wookey, the diagnostic test

specified by specific set of instruction extracts system attributes repetitively from the

monitored system or queries the monitored system. In other words, the Wookey

technique as discussed indicates the claimed *querying said system, as specified by said*

request.

Therefore, it would have been obvious for one of ordinary skill in the art at the

time the invention was made to use the diagnostic test for querying existence of

attribute condition in order to issue an alert indicating predefined condition exist in a

computer system.

Regarding claim 16, Wookey teaches all the claimed subject matters as

discussed in claim 13, Wookey further discloses *condition is a change in said attribute*

(Col. 12, Lines 4-13).

Regarding claim 17, Wookey teaches all the claimed subject matters as

discussed in claim 13, Wookey further discloses *multiple conditions bracketed together,*

wherein upon determining that such bracketed conditions exist, notifying said client of the

existence of such bracketed conditions (Col. 15, Lines 16-54).

Regarding claim 20, Wookey teaches all the claim subject matters as discussed in claim 18, Wookey further discloses *multiple nodes, wherein at least one of said nodes is executing said reporting application* (FIG. 1).

Regarding claim 21, Wookey teaches all the claim subject matters as discussed in claim 13, Wookey further discloses the step of *periodically querying the system* (Col. 3, Line 63-Col. 4, Line 26).

Regarding claim 22, Wookey teaches all the claimed subject matters as discussed in claim 18, Wookey further discloses the step *of monitoring system to determine if said condition exist* (Col. 12, Lines 44-55).

Claims 7 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wookey et al. [USP 6,182,249] in view of Sybase [Transact-SQL User's Guide, Copyright 1996].

Regarding claim 7, Wookey teaches a method of monitoring the state and generating alerts indicating predefined conditions exist in a computer system (Abstract and Col. 1, Lines 20-23).

- As illustrated at FIG. 1, the computer system 102 is monitored by computer system 100. The diagnostic tests from among tests as shown in Table 1 or 2 at Col. 4 and 5 are run periodically on the computer system 102 under the

control of monitor control software (Col. 3, Lines 3-6). FIG. 8 is an exemplary

output of one the diagnostic tests (FIG. 8, Col. 7, Lines 66-67). Wookey further

teaches that an alert is raised if a predefined condition of a particular attribute is

true. For example, an alert to determine a particular partition has exceeded a

predetermined percentage used (Col. 12, Lines 48-55). As seen, a diagnostic

test as *request* specified by a particular test of Table 1 or 2 as *information

specifying a query from* computer system 100 as *client for* extracting repetitively

the *system attributes* in order to determine *a condition of an attribute of a system* to

raise an alert. In short, the Wookey technique performs the claimed *receiving a

request from a client to notify said client of a condition of an attribute of a system,

wherein said request comprises information specifying a query for said system

attribute*.

•   The raw diagnostic data will be process and analyzed for the presence of

alerts (Col. 11, Lines 45-57). In order to extract information from the diagnostic

data stream, "token types" are utilized. Each token has a label and a value. The

value of the token provides a value extracted from the diagnostic data that gives

value to the element (Col. 7, Lines 10-20). Wookey further teaches that an alert

is raised if a predefined condition of a particular attribute is true. For example, an

alert to determine a particular partition has exceeded a predetermined

percentage used (Col. 12, Lines 48-55). As seen, the technique as discussed

indicates the step of *deriving data about said system attribute to determine if said*

condition exists, and *upon determining that said condition exist,* an alert is issued for

notifying said client of the existence of said condition.

Wookey does not explicitly teach *computer executable software code for querying*

said system as specified by said request, and fails to disclose *an SQL query comprises an*

SQL view is used to specify a query. However, as defined in Microsoft Press Computer

Dictionary 3rd edition,

> Query
>   1. The process of extracting data from a database and
> presenting it for use.
>   2. A specific set of instructions for extracting particular
> data repetitively.

and as taught by Wookey, the diagnostic tests from among tests as shown in Table 1 or

2 are run periodically on the computer system 102 under the control of monitor control

software (Col. 3, Lines 3-6). FIG. 8 is an exemplary output of one the diagnostic tests

(FIG. 8, Col. 7, Lines 66-67). Wookey further teaches that an alert is raised if a

predefined condition of a particular attribute is true. For example, an alert to determine a

particular partition has exceeded a predetermined percentage used (Col. 12, Lines 48-

55). As seen, each diagnostic test as a request is specified by a particular test of Table

1 or 2. System attributes as in FIG. 8 are extracted repetitively from the monitored

system by a specified test or specific set of instruction of Table 1 or 2 under control of

monitor control software in order to determine the existence of the condition of an

attribute to raise an alert. Thus, according to the teaching of Wookey, the diagnostic test

specified by specific set of instruction extracts system attributes repetitively from the

monitored system or queries the monitored system. In other words, the Wookey

technique as discussed indicates the claimed *querying said system, as specified by said request.*

Sybase teaches SQL as a high-level language includes commands for retrieving data from a database, creating database object and other functions (Sybase, Chapter 1: Introduction, Overview). As shown in Chapter 1 is the method of creating SQL statements by using select command. As shown in Chapter 14 is the method of creating trigger conditions by using SQL statements. Sybase further discloses: *SQL query comprises an SQL view* (Sybase, Chapter 8, Views: Limiting access to Data, Creating Views).

Therefore, it would have been obvious for one of ordinary skill in the art at the time the invention was made to use the diagnostic test for querying the system and using SQL as taught by Sybase to implement the test in order to issue an alert indicating predefined condition exist in a computer system.

Regarding claim 14, Wookey teaches all the claimed subject matters as discussed in claim 13, but fails to teach *information specifying a query for said system attribute is an SQL query.* Sybase teaches SQL as a high level language for relational database system and using query as a request for retrieval of data by using the select command (Sybase, Chapter 1: Introduction, Overview and Queries, Data Modification). Therefore, it would have been obvious for one of ordinary skill in the art at the time the invention was made to use SQL for implementing the test in order to issue an alert indicating predefined condition exist in a computer system.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in

this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37

CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to HUNG Q PHAM whose telephone number is 571-272-

4040. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, JOHN E BREENE can be reached on 571-272-4107. The fax phone

number for the organization where this application or proceeding is assigned is 703-

872-9306.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

Examiner Hung Pham
January 6, 2005